

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984)
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

MB Docket No. 05-311

COMMENTS OF THE CITY OF TEMECULA, CALIFORNIA

These comments are filed by the City of Temecula, California in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, the City of Temecula believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

Cable Franchising in Our Community

Temecula is a city with a growing population of approximately 92,000 people. Our franchised cable provider is currently Adelphia, with an anticipated transfer to Time Warner. Our City operates under a franchise agreement that was originally negotiated by the County of Riverside prior to our city's incorporation in 1989. Since that time, the City has reviewed and approved several transfers and/or changes in ownership of the original franchise agreement and done so in a timely manner.

Our franchise agreement, approved by the County, expired in 2004 and is currently extended by Resolution. The City was in active negotiations for a renewal agreement when Time Warner applied for a transfer of franchise, pending approvals by the Federal Communications Commission, Bankruptcy Court and other regulatory agencies. The City fully anticipates entering into a robust franchise negotiation with the new cable provider, Time Warner, once the transfer of ownership is completed, and it is our intent to conduct these negotiations in a timely manner.

Competitive Cable Systems

Several months ago, the City of Temecula was approached by Verizon to provide cable television services within the City as part of their nationwide Fios project. City staff has met several times with Verizon representatives as the issues and language of a cable franchise agreement are being discussed and finalized. It is the City's intent and expectation to successfully reach consensus and approve a franchise agreement with Verizon. Throughout these discussions to date the City has met with Verizon and provided information or comments in a timely manner.

Conclusions

The local cable franchising process functions well in the City of Temecula. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Temecula therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

City of Temecula
43200 Business Park Drive
P.O. Box 9033
Temecula, CA 92590-9033

By:



Ron Roberts
Mayor

cc: National League of Cities, leanza@nlc.org
NATOA, info@natoa.org
John Norton, John.Norton@fcc.gov
Andrew Long, Andrew.Long@fcc.gov
Genevieve Morelos, League of California Cities, gmorelos@cacities.org